

REMARKS

I. Introduction

In response to the pending Office Action, Applicants respectfully submit that the pending rejections must be withdrawn as USP No. 6,263,044 to Joosten does not constitute prior art to the pending application as detailed below.

Further, Applicants submit concurrently herewith a formal drawing embodying the changes made to Fig. 3b in the previous response.

Applicants note with appreciation the indication of allowable subject matter being set forth in claims 12 and 13.

II. Joosten Does Not Constitute Prior Art To The Instant Application

Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by USP No. 6,263,044 to Joosten, and claims 1-11 and 15-16 were rejected under 35 U.S.C. § 103 as being unpatentable over USP No. 5,434,902 to Bruijns in view of Joosten. Applicants respectfully submit that Joosten is not prior art to the instant application, and therefore the rejection must be withdrawn.

Joosten has an effective filing date of December 7, 1999 for the purposes of being utilized as prior art against pending US patent applications. However, the instant application has a priority date of March 29, 1999 based on the claim of priority to JP 11-0085844. Applicants submitted a certified translation of the priority document in order to perfect the claim of priority along with the previous response. Thus, Joosten does not constitute prior art to the instant application.

Accordingly, for the foregoing reasons it is respectfully submitted that Joosten cannot be

cited as prior art against the instant application, and it is therefore requested that the pending rejections, both of which are based on Joosten, be withdrawn.

III. Request For Notice Of Allowance

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT, WILL & EMERY

Date: _____

9/12/03

By: _____

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